

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Sean Pak (Bar No. 219032)
3 seanpak@quinnemanuel.com
4 Melissa Baily (Bar No. 237649)
5 melissabaily@quinnemanuel.com
6 James Judah (Bar No. 257112)
7 jamesjudah@quinnemanuel.com
8 Lindsay Cooper (Bar No. 287125)
9 lindsaycooper@quinnemanuel.com
10 Iman Lordgooei (Bar No. 251320)
11 imanlordgooei@quinnemanuel.com

50 California Street, 22nd Floor
7 San Francisco, California 94111-4788
Telephone: (415) 875-6600
8 Facsimile: (415) 875-6700

9 Marc Kaplan (*pro hac vice*)
marckaplan@quinnemanuel.com
10 191 N. Wacker Drive, Ste 2700
Chicago, Illinois 60606
11 Telephone: (312) 705-7400
12 Facsimile: (312) 705-7401

Attorneys for GOOGLE LLC

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

18 SONOS, INC.,

19 Plaintiff and Counter-
20 Defendant,

21 vs.

22 GOOGLE LLC,

23 Defendant and Counter-
24 Claimant.

Case No. 3:20-cv-06754-WHA

Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF JOCELYN MA IN
SUPPORT OF GOOGLE LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
MOTION *IN LIMINE* NO. 3 TO
EXCLUDE PORTIONS OF THE EXPERT
REPORT AND CERTAIN TESTIMONY
OF MR. JAMES MALACKOWSKI AND
DR. KEVIN ALMEROOTH REGARDING
GOOGLE'S NON-INFRINGEMENT
ALTERNATIVES**

I, Jocelyn Ma, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate at Quinn Emanuel Urquhart & Sullivan LLP representing Google LLC (“Google”) in this matter. I make this declaration in support of Google’s Administrative Motion to File Under Seal Portions of its Motion *in Limine* No. 3 to Exclude Portions of The Expert Report And Certain Testimony of Mr. James Malackowski and Dr. Kevin Almeroth Regarding Google’s Non-Infringing Alternatives (“Motion *in Limine* No. 3”) (“Google’s Administrative Motion”). If called as a witness, I could and would testify competently to the information contained herein.

2. Google’s Administrative Motion seeks an order sealing the following materials:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit 3 to the Declaration of Jocelyn Ma in Support of Google’s Motion <i>in Limine</i> No. 3 (“Exhibit 3”)	Portions outlined in red boxes	Google

3. The portions of Exhibit 3 outlined in red boxes contain confidential information regarding Google’s highly sensitive financial data for its non-infringing alternatives in this case. Public disclosure of this information would harm the Google’s competitive standing and create a risk of injury by providing competitors with access to information that Google does not have similar access to about their competitors, allowing them to gain a competitive advantage in the marketplace. If such information were made public, I understand that Google’s competitive standing would be significantly harmed. Google has therefore designated this information as HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY under the protective order (Dkt. 92).

4. The portions of Exhibit 3 outlined in red boxes also contain confidential information regarding Google’s highly sensitive financial and product revenue data, as well as figures from which a competitor could deduce Google’s highly sensitive financial and product revenue data. Public disclosure of this information would harm the Google’s competitive standing and create a risk of injury by providing competitors with access to information that Google does not have similar access to about their competitors, allowing them to gain a competitive advantage in the marketplace. If such

1 information were made public, Google's competitive standing would be significantly harmed. Google
2 has therefore designated this information as HIGHLY CONFIDENTIAL—ATTORNEYS' EYES
3 ONLY under the protective order (Dkt. 92).

4 I declare under penalty of perjury that to the best of my knowledge the foregoing is true and
5 correct. Executed on April 26, 2023, in San Francisco, California.

6 DATED: April 26, 2023

7 By: /s/ Jocelyn Ma
8 Jocelyn Ma

ATTESTATION

I, Sean Pak, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1, I hereby attest that Jocelyn Ma has concurred in the aforementioned filing.

DATED: April 26, 2023

/s/ Sean Pak

Sean Pak